

*Karas, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

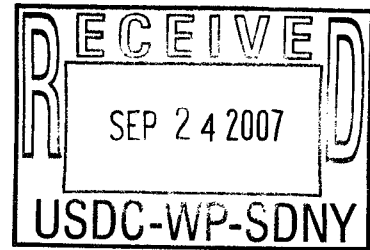
----- x  
KEITH EMMER,

Plaintiff,

-versus-

THE CITY OF NEW YORK, et al.

Defendants.  
----- x



05 CV 9993 *(Kmic)*

**STIPULATION OF SETTLEMENT AND DISMISSAL**

WHEREAS, plaintiff Keith Emmer ("Plaintiff") commenced this action by serving a summons and complaint alleging, among other things, violations of Plaintiff's civil rights pursuant to 42 U.S.C. §1983; and

WHEREAS, defendants The City of New York, Police Officer Jagdeep Singh, and "Police Officers JOHN DOE and RICHARD ROE (names and number of whom are unknown at present) and other unidentified members of the New York City Police Department," individually and in their official capacities ("Defendants"), deny the alleged wrongdoing; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This action is dismissed with prejudice and without costs, expenses, or fees except as provided in paragraph "2" below.

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2. The City of New York hereby agrees to pay to Keith Emmer the sum of Eleven Thousand Dollars (\$11,000.00), in full satisfaction of Plaintiff's claims against all of the Defendants, including claims for costs, expenses and attorney fees.

3. In consideration for this payment, Plaintiff agrees that all of his claims against all Defendants, including The City of New York, Police Officer Jagdeep Singh, and "Police Officers JOHN DOE and RICHARD ROE (names and number of whom are unknown at present) and other unidentified members of the New York City Police Department," individually and in their official capacities, are hereby dismissed with prejudice.

4. Plaintiff further agrees that all Defendants, all "John" and "Jane Doe" defendants, all present and former employees, agents and contractors of the City of New York, and all agencies and departments thereof, including the New York City Police Department and the New York City Department of Correction; the New York City Health and Hospitals Corporation, the New York County District Attorney's office, and the Hudson River Park Trust, and all of their present and former employees, agents and contractors; and their successors and assigns; are hereby released from any and all liability, claims, and rights of action arising from or related to the incidents alleged in the complaint(s) in this action, including claims for costs, expenses and attorney fees.

5. Nothing contained herein shall be deemed to be an admission by any of the Defendants, the New York City Health and Hospitals Corporation, the New York County District Attorney, or the Hudson River Park Trust, that any of them has violated Plaintiff's rights, or the rights of any other person or entity.


6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York City Police Department, the New York City Department of Corrections, the New York County District Attorney's Office or the Hudson River Park Trust.

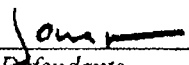
7. This stipulation shall not be admissible in, nor is it related to, any other litigation nor any other settlement negotiations.

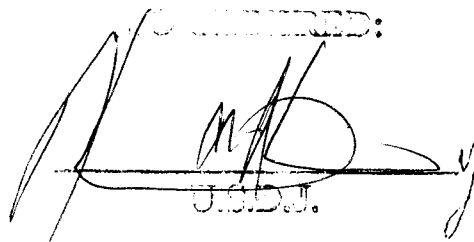
8. Plaintiff shall execute and deliver to the City all documents necessary to effect this settlement including, without limitation, a General Release based on the terms of paragraphs "3" – "4" above and an Affidavit of No Liens.

9. This Stipulation and Order contains all of the terms and conditions agreed upon by the parties, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation and Order, regarding the subject matter of this action shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
*Sept.* ~~August~~ 21, 2007

  
\_\_\_\_\_  
For Plaintiff  
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For Defendants  
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THE CITY OF NEW YORK  
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September 21, 2007

**BY E-MAIL**

The Honorable Kenneth M. Karas  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 920  
New York, New York 10007-1312

Re: *Emmer v. The City of New York, et al. (05 CV 9993 (KMK) (JCF))*

Dear Judge Karas:

Attached please find a stipulation of settlement and dismissal of this action. If this meets with your approval, would you please "so order" it? Thank you.

Very truly yours,

  
James Mirro

cc: Earl Ward, Esq. (by email)